

**DRINKER BIDDLE & REATH LLP**  
A DELAWARE LIMITED LIABILITY PARTNERSHIP  
500 Campus Drive  
Florham Park, NJ 07932  
Telephone: (973) 360-1100  
Facsimile: (973) 360-9831

Attorneys for Defendant  
Lowe's Home Centers, Inc.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDWIN TOLBERT, JR.,

Plaintiff,

v.

LOWE'S HOME CENTERS,

Defendant.

Civil Action No. 07 Civ 8232 (CLB)

**MOTION TO ADMIT COUNSEL  
*PRO HAC VICE***

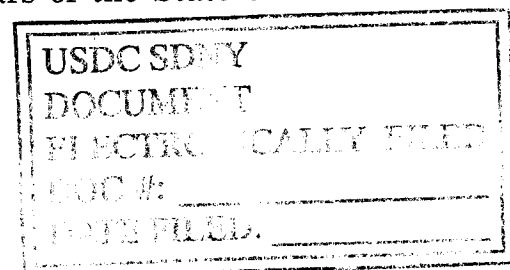
PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Helen E. Tuttle, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of

Thomas J. Barton, Esq.  
Drinker Biddle & Reath LLP  
One Logan Square, 18<sup>th</sup> & Cherry Streets  
Philadelphia, PA 19103  
Telephone: 215-988-2834  
Facsimile: 215- 988-2757

Mr. Barton is a member in good standing of the Bars of the State of New Jersey and the Commonwealth of Pennsylvania.

*Fee paid*  
*\$25<sup>00</sup>*  
*E 633524*

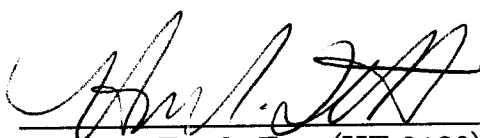
FILED  
U.S. DISTRICT COURT  
2007 NOV 29 P 4:40  
S.D. OF N.Y. W.P.



There are no pending disciplinary proceedings against Mr. Barton in any State or Federal court.

Dated: November 28, 2007  
Florham Park, NJ

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Helen E. Tuttle', is written over a horizontal line.

Helen E. Tuttle Esq. (HT-3120)

**Drinker Biddle & Reath LLP**

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Civil Action No. 07 Civ 8232 (CLB)

**AFFIDAVIT OF  
HELEN E. TUTTLE, ESQ.  
IN SUPPORT OF MOTION  
TO ADMIT COUNSEL  
*PRO HAC VICE***

STATE OF NEW JERSEY    )  
  )   ss.:  
COUNTY OF MORRIS        )

HELEN E. TUTTLE hereby declares as follows:

Helen E. Tuttle, being duly sworn, deposes and says as follows:

1. I am an associate with the law firm of Drinker Biddle & Reath LLP, counsel for Defendant in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit Thomas J. Barton, Esq. as counsel *pro hac vice* to represent Defendant in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in September 1999. I am also admitted to the bar

of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have know Mr. Barton since March 2006.

4. Mr. Barton is a partner with Drinker Biddle & Reath LLP and a member of the bars of the Commonwealth of Pennsylvania (admitted to practice in 1987) and the State of New Jersey (admitted to practice in 1991), and is admitted to practice before the Pennsylvania Supreme Court, United States District Court for the Eastern District of Pennsylvania, United States District Court for the Middle District of Pennsylvania, United States District Court for the District of New Jersey, United States District Court for the Northern District of Illinois, United States Court of Appeals for the Second Circuit, United States Court of Appeals for the Third Circuit and United States Supreme Court.

5. Mr. Barton has at all times been a member in good standing of the bar of the aforesaid jurisdictions.

6. Defendant desires that Mr. Barton participate in its representation before this Court.

7. I have found Mr. Barton to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

8. Accordingly, I am pleased to move the admission of Mr. Barton, *pro hac vice*.

9. I respectfully submit a proposed order granting the admission of Mr. Barton, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE, it is respectfully requested that the motion to admit Mr. Barton, *pro hac vice*, to represent Defendant in the above-captioned matter, be granted.

Dated: November 28, 2007  
Florham Park, NJ

Respectfully submitted,

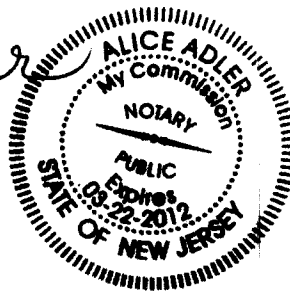


Helen E. Tuttle Esq. (HT-3120)  
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Facsimile: 973-360-9831

Sworn to before me this  
28<sup>th</sup> Day of November, 2007



Notary Public



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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDWIN TOLBERT, JR.,

Plaintiff,

v.

LOWE'S HOME CENTERS,

Defendant.

Civil Action No. 07 Civ 8232 (CLB)

**ORDER FOR ADMISSION  
*PRO HAC VICE*  
ON WRITTEN MOTION**

Upon the motion of Helen E. Tuttle, Esq., attorney for Defendant Lowe's Home Centers, Inc. and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Thomas J. Barton, Esq.  
Drinker Biddle & Reath LLP  
A Delaware Limited Liability Partnership  
One Logan Square, 18<sup>th</sup> and Cherry Streets  
Philadelphia, Pennsylvania 19103-6996  
Telephone (215) 988-2700  
Facsimile (215) 988-2757  
[thomas.barton@dbr.com](mailto:thomas.barton@dbr.com)

is admitted to practice *pro hac vice* as counsel for Defendant Lowe's Home Centers, Inc. in the above-captioned case in the United States District Court for the

Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

Dated: December \_\_\_\_\_, 2007  
White Plains, New York

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United States District / Magistrate Judge

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SOUTHERN DISTRICT OF NEW YORK

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Civil Action No. 07 Civ 8232 (CLB)

**PROOF OF SERVICE**

STATE OF NEW JERSEY)

)

ss.:

COUNTY OF MORRIS )

ALICE D. ADLER, of full age, hereby certifies as follows:


1. I am employed as a secretary by the law firm of Drinker Biddle & Reath LLP, attorneys for Defendant, Lowe's Home Centers, Inc., in the above-captioned litigation. I am not a party to this action.

2. On November 28, 2007, a copy of the cover letter, Motion to Admit Thomas J. Barton, Esq. *pro hac vice*, Affidavit of Helen E. Tuttle, Esq., and proposed Order was served on plaintiff's counsel in the above-captioned case by regular mail:



Michael H. Sussman, Esq.  
Sussman and Watkins  
40 Park Place  
Floor Two  
Goshen, New York 10924  
Telephone: 845-294-3991

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Alice D. Adler  
Secretary to Helen E. Tuttle, Esq.  
Drinker Biddle & Reath LLP  
A Delaware Limited Liability Partnership  
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Facsimile: 973-360-9831

Dated: November 28, 2007  
Florham Park, NJ

# Supreme Court of New Jersey

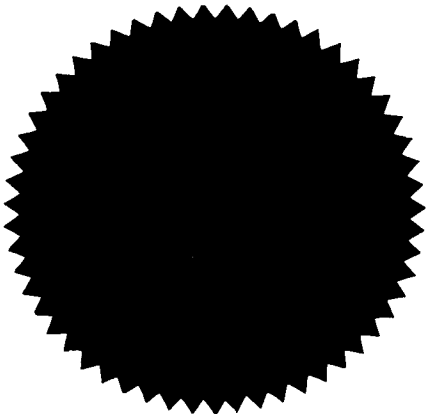


## Certificate of Good Standing

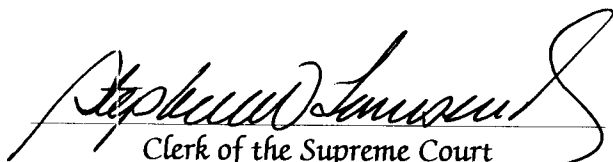
This is to certify that **THOMAS J BARTON**  
(No. **008211991** ) was constituted and appointed an Attorney at Law of New  
Jersey on **June 15, 1991** and, as such,  
has been admitted to practice before the Supreme Court and all other courts of this State  
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in  
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"  
if the Court's records reflect that the attorney: 1) is current with all assessments  
imposed as a part of the filing of the annual Attorney Registration Statement, including,  
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client  
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not  
resigned from the Bar of this State; and 4) has not been transferred to Disability  
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's  
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to  
practice law in this State.*



In testimony whereof, I have  
hereunto set my hand and  
affixed the Seal of the  
Supreme Court, at Trenton, this  
9TH day of November , 20 07

  
Clerk of the Supreme Court



Supreme Court of Pennsylvania

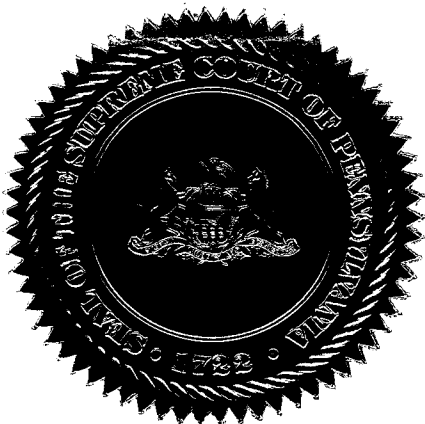
**CERTIFICATE OF GOOD STANDING**

***Thomas Barton, Esq.***

**DATE OF ADMISSION**

***December 3, 1987***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal**

**Dated: November 5, 2007**

A handwritten signature in cursive script, reading "Patricia A. Johnson".

Patricia A. Johnson  
Chief Clerk